

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:06CV405-MU

NEW PRODUCTS MARKETING CORP., )  
  )  
Plaintiff, )  
  )  
v. )                                    ORDER FOR JUDICIAL  
  )  
  SETTLEMENT CONFERENCE  
  )  
  )  
LOWE'S HOME CENTERS, INC., )  
  )  
Defendant. )

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**THIS MATTER** has been referred by the District Judge to whom this case is assigned (the Honorable Graham C. Mullen) to the undersigned Magistrate Judge to conduct a Judicial Settlement Conference, and the parties have agreed upon Wednesday, April 11, 2007 at 10:00 a.m. as a suitable date and time for the conference.

**IT IS THEREFORE ORDERED:**

1. The conference shall commence **at 10:00 a.m. on Wednesday, April 11, 2007** in the chambers of the undersigned, that is, Suite 238, United States Courthouse, 401 West Trade Street, Charlotte, North Carolina 28202.
2. The following persons shall attend the mediated settlement conference in person:
  - a. For each corporate, an officer, director, or employee having authority to settle all claims;
  - b. The parties' principal counsel of record;<sup>1</sup> and

<sup>1</sup>Any of either party's other counsel are welcome to attend the conference, provided that all persons attending the conference shall do so in person, rather than telephonically.

c. For any party against whom a claim is made that is covered in whole or in part by an insurance policy, a representative of the insurance carrier, who is not such carrier's outside counsel and has full authority to settle the claim.

3. No later than Tuesday April 3, 2007, the parties' respective counsel shall submit to the undersigned (at the mailing address noted above) a letter outlining that party's candid analysis of its claims and its position concerning settlement.<sup>2</sup>

4. The Clerk of Court is directed to send a copy of this Order to counsel for the parties; and to the Honorable Graham C. Mullen.

**SO ORDERED.**

Signed: February 9, 2007

Carl Horn, III

Carl Horn, III  
United States Magistrate Judge



<sup>2</sup>These letters should not be filed with the Clerk or served on the opposing party/counsel, and the undersigned will not disclose any of the contents of these letters to the opposing party or opposing counsel without first obtaining the submitting party's consent.